MT LEGISLATIVE HISTORY

Chapter 266 1969

Bill H _____ S 202 Original bill & hist. no C

H. Committee on Bus. Industry S. Committee on Highways & Transp.

Hearing Date(s)	C	Hearing Date(s)	C
2/19	C	1/30	C
	C		C
	C		C
Date Out 2/19	C	2/1	C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

MINUTES OF THE MEETING
HIGHWAY AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

January 30, 1969

A meeting of the Highway and Transportation Committee was called to order by Chairman Manning on the above date at 9 a.m. in Room 442 of the State Capitol Building.

ROLL CALL: Al members of the Committee were present with the exception of Senators Graham and McGowan.

CONSIDERATION OF SENATE BILL NO. 202 and 203: Being companion bills which (1) require railroads to maintain certain facilities; and (2) penalize railroads for failure to furnish certain facilities.

Senator Sheehy, sponsor of the legislation, explained the bills and stated that SB-202 and SB-203 must be passed together in order to be effective.

Appearing in Support

James T. Mular	-	Brotherhd of Rwy & Airline Clerks
Henry T. Popham	-	Locomotive Eng. Leg. Committee
J. K. Armstrong	-	Brotherhd of Railroad Trainmen
C. J. Knutson	-	Brotherhd of Maint & Way Employees
Kenneth Clarke	-	AFL-CIO State of Montana

Mr. Mular, State Chairman of the Brotherhood of Railway & Airline Clerks, presented the case for the proponents by distributing exhibits of statistical information to members of the Committee, and a prepared statement for their consideration. (See Exhibit A Attached).

Appearing in Opposition

R. H. (Ty) Robinson	-	Montana Railroad Assn.
Edwin S. Booth	-	Montana Railroad Assn.
John Willard	-	Montana Railroad Assn.
Ward Shanahan	-	Montana Railroad Assn.

Mr. Robinson began the presentation by introducing Mr. Booth, former secretary-counsel of the Board of Railroad Commissioners. Mr. Booth presented some background railroad legislation, including the Railroad Commission Act (1907), which stipulates that railroads can not abandon

stations without the approval of the Railroad Commission. Mr. Booth pointed out that the Commission now has full authority to regulate stations and the abandonment of a station is subject to full investigation and hearing. The opponents believe that this is adequate protection. During the presentation, the following points were suggested for consideration: (1) raise the question as to the constitutionality of the bills; (2) Believe the legislation, if passed, would threaten the economic health of the railroads; (3) Feel that the present decline in railroad service reflects the decline in public use of railroad shipping and transportation facilities.

Following the discussion the witnesses were excused.

CONSIDERATION OF SENATE BILL NO. 306: Which would create a motor vehicle safety inspection division in Montana.

Appearing to explain the legislation and in support thereof were:

Mr. William L. Hall	-	Regional Director of the Nat'l. Highway Safety Bureau
Mr. James H. Horan	-	Fed. Hiway Administration
Mr. Don Douglas	-	Mont. Hiway Commission

Mr. Hall said, in effect, the the present State plan is not adequate and will have to be presented in a form which is satisfactory to the Federal Government by December 31, 1969, or be subject to loss of Federal funds as a penalty.

Following the discussion, the witnesses were excused.

The motion was made by Senator Dzivi to appoint a sub-committee for further investigation of the legislation. Seconded by Senator Hazelbaker. Motion carried and Chairman Manning appointed Senators Moritz, Dzivi, and Sheehy as a sub-committee to study the measure.

ADJOURN: There being no further business, the meeting was adjourned.

Manning

SENATOR DAVE MANNING, CHM.

EXHIBIT A

Billings, Montana 59101 | P. O. Box [illegible] Butte, Montana 59701 | [illegible] South [illegible] Missoula, Montana 59801

Brotherhood of Railway, Airline and Steamship Clerks

Freight Handlers, Express and Station Employes

MONTANA STATE LEGISLATIVE COMMITTEE

24th January 1969

TO: The Honorable DAVE M. MANNING, Chairman, Hiways & Transportation Committee, et-al, Montana State Senate,

Subj: Senate Bills numbered 202 & 203, SHEEHY, FLYNN, MCKEON, LYNCH.

Re: Amending RCM 1947, Sections 72-627 and 628.

GREETINGS:

Reference is made to the above subject matter whereunder this committee has prepared statistical information for your immediate reference and hopefull subsequent " DO PASS " approval regarding the proposed amends.

The information contained in these exhibits were compiled from the sources shown on page two hereof.

Briefly our organization supports this legislation, and considers it as a step forward in maintianing adequate station facilities in Mont. Too, it prevents any FUTURE decay of rail station removals in communities having populations of one thousand inhabitants or more. Senate Bills 202 & 203 establish a basic buffer and insures the counties and communities of Montana that Rail facilities will be STAFFED and MAINTAINED to safeguard PUBLIC CONVENIENCE AND NECESSITY.

Our reasons are submitted herewith for your deliberation.

Truly yours,

James T. Muler,
Chairman

cy: All Locals Montana
file MSLC File 1a 1969

COMMITTEE ON Hiways 202 BILL NO. 203

VISITOR'S REGISTER

(Please Print) NAME	REPRESENTING	Check One Support	Oppose
Ty Robinson	Montana Railroad Assn		✓
Edwin S Booth	Montana Railroad Assoc		✓
J T Mular	Bro Ry Airlines Clerks	✓	
John McNamer	Observing		
H. Packham	BLoE	✓	
J K. Armstrong	BofRT observing	✓	
Ed Kautzman	BMWE maintenance of way employees	✓	
John Hildreth	Montana Rail Road Assn.		✓
Ward Flaherty	Montana RR Assn		
Kenneth Clark	Montana State AFL-CIO	✓	
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BILL NO. 306

Wm. L. Hall	National Highway Safety Bureau		
James H. Horan	Federal Highway Administration		
Don Douglas	Montana Highway Commission		

(Please leave prepared statement with secretary)

During a discussion, Senator Groff stated opposition to the bill on the grounds that it would be violated and can't be enforced. Following the discussion, Senator Groff was excused.

CONSIDERATION OF SENATE BILL NO. 202 and 203: Companion bills which (1) require railroads to maintain certain facilities; and (2) penalize railroads for failure to furnish certain facilities.

There was considerable controversy over this bill with the opposition believing that because trucking interests are replacing the need for certain railroad service and because circumstances are dissimilar in different parts of the State, the Railroad Commission should be allowed to resolve railroad problems by arbitrating each case on an individual basis.

The proponents of the legislation believe that the Railroad Commission has chosen to ignore certain existing statutes in the area covered by this legislation, in some instances, because of antiquated laws, and that SB-202 and 203 will update these provisions so as to guarantee their enforcement.

DISPOSITION OF BILLS CONSIDERED:

Senate Bill No. 195: Senator Sheehy made a motion that SB-99 DO PASS AS AMENDED. Seconded by Senator Hazelbaker. MOTION CARRIED.

Senate Bill No. 109: Senator Broeder made a motion that SB-109 DO PASS AS AMENDED. The motion was seconded by Senator Hazelbaker. MOTION CARRIED

Senate Bill No. 156: Senator Dzivi made a motion that SB-156 DO PASS. Seconded by Senator Rehberg. MOTION CARRIED.

Senate Bill No. 273: Senator Dzivi made a motion that SB-273 DO PASS AS AMENDED. Seconded by Senator Sheehy. MOTION CARRIED.

Senate Bills No. 202 and 203: Senator Rehberg made a motion that companion bills SB-202 and 203 DO PASS. Seconded by Senator Sheehy. A roll call vote was taken

with five members assenting and five dissenting, and in view of the results, the bill was reported out of Commitee WITHOUT RECOMMENDATION.

SCHEDULED FOR CONSIDERATION:

Senate Bill No. 144 is scheduled for hearing on February 4, 1969 at 8:30 a.m.

Senate Bill No. 215 has been scheduled, tentatively, for Monday, February 3, in the evening at the Montana Highway Building auditorium.

ADJOURN: There being no further business the meeting was adjourned.

DAVE MANNING, CHAIRMAN

BUSINESS AND INDUSTRY COMMITTEE

February 19, 1969

The Business and Industry Committee met in Room 434 of the State Capitol on Wednesday, February 19, 1969, at 10:30 A.M. with Chairman Pierce presiding. Fifteen members were present.

Senator Sheehy appeared to discuss SB65, a bill which would allow survivors to withdraw up to $1,000 from financial institutions without probate proceedings.

Senator Sheehy also discussed SB202 and SB203, which regarded railroad regulations. Mr. James Mular of the Railroad Brotherhood appeared as a proponent to the bill. Opponents were Mr. Ty Robinson of the Montana Railroad Association and Mr. Edwin Booth, attorney for the association.

SB271 was explained by Mr. L. J. Eskildsen of the Alpha Industries. The bill would grant a price differential on liquor manufactured in Montana. In opposition to the bill was Mr. Maurice Druhl of the National Distilled Spirits Institute.

At the close of the hearings, Chairman Pierce asked the committee to vote on the following bills:

SB22..Rep. Warfield moved BE CONCURRED IN. Rep. Burnett withdrew a substitute motion and the bill carried on a BE CONCURRED IN vote.

SB202 and SB203..Rep. Burnett moved DO NOT CONCUR. Rep. Laas offered substitute motion DO CONCUR. Vote count gave 6 for and 8 against. Motion failed. The original motion DO NOT CONCUR was then voted on. Motion carried.

SB65..Rep. Combs moved DO CONCUR. Motion carried.

SB271..Rep. Combs moved DO CONCUR. Substitute motion by Rep. Burnett that the time be limited to 2 years. Motion failed. Original motion DO CONCUR carried.

Meeting adjourned at 11:55 A.M.

similar character is not being performed in the county or locality, the standard prevailing rate of wages including fringe benefits for health and welfare and pension contributions, and travel allowance provisions shall be those rates established by collective bargaining agreements in effect in the county or locality for each craft, classification or type of workmen needed to complete the contract. No contract shall be let to any person, firm, association or corporation refusing to execute an agreement with the above-mentioned provisions in it; provided that, in contracts involving the expenditure of federal aid funds this act shall not be enforced in such a manner as to conflict with or be contrary to the federal statutes prescribing a labor preference to honorably discharged soldiers, sailors and marines, and prohibiting as unlawful any other preference or discrimination among citizens of the United States. *All public works contracts under this act shall be approved in writing by the legal advisor of the contracting state, county, municipal corporation, school district, assessment district or special improvement district body or officer prior to execution by the contracting public officer or officers. The Montana commissioner of labor and industry shall undertake to keep and maintain copies of collective bargaining agreements and other information from which rates and jurisdictional areas applicable to public works contracts under this act may be ascertained. Whenever the employer is not signatory party to a collective bargaining agreement, those moneys designated as negotiated fringe benefits shall be paid to the employee as wages.*"

Approved: March 7, 1969.

CHAPTER NO. 266

An Act to Amend Section 72-627, R.C.M. 1947, Relating to the Duty of Railroads to Maintain Certain Facilities in Townsites, by Increasing the Minimum Population of Places Where Such Facilities Are Required and by Requiring Minimum Staffing of Such Facilities.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 72-627, R.C.M. 1947, is amended to read as follows: Amending clause.

"72-627. (6582) **Duty to furnish shipping facilities.** It is hereby made the duty of every person, corporation, and association operating a railroad in the state of Montana to maintain *and staff* facilities for shipment and delivery of freight, and to ship and deliver freight and accommodate passengers *in at least one location, preferably the county seat, in each county through which the line of the railway passes and* at any point upon the line of such railway where there is a *city or town having a population, according to the last federal decennial census, of not less than one thousand people, provided, however, that this act shall not require the maintenance and staffing of such facilities in any county or at any city or town in which such facilities were not maintained and staffed on the effective date of this act. Nothing in this section shall be construed to authorize the discontinuance of any facility presently established in any city, town or other location having a population of less than one thousand people without a hearing before the board of railroad commissioners as provided by law.*" Duty to furnish shipping facilities.

Approved: March 7, 1969.

CHAPTER NO. 267

An Act to Define Printing in Montana as an Act of Reproducing a Design on a Surface by Any Process.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. As used in the Constitution and laws of the state of Montana, printing is the act of reproducing a design on a surface by any process. "Printing."

Approved: March 7, 1969.

CHAPTER NO. 268

An Act to Amend Sections 16-2050, and 11-1310, Revised Codes of Montana, 1947, to Require Interest on Invest-